

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-CV-386-GCM

LULA D. CARROLL, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )  
                          )  
MICHAEL J. ASTRUE, COMMISSIONER )  
OF SOCIAL SECURITY     )  
                          )  
                          )  
Defendant.            )  
                          )  
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**ORDER**

**THIS MATTER** is before the Court upon the Plaintiff's Motion for Summary Judgment (Doc. No. 7); on the Defendant's Motion for Summary Judgment (Doc. No. 11); and on the Memorandum and Recommendation of the Honorable David S. Cayer, United States Magistrate Judge, (Doc. No. 12) regarding the disposition of those motions. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(c), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. On January 28, 2013, Plaintiff submitted a timely objection to the Memorandum and Recommendation, (Doc. No. 13) and Defendant filed a response on January 30, 2013 (Doc. No. 14).

**I.       Applicable Standard**

The Federal Magistrate Act provides that "a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 200 (4 Cir. 1983). However, "when objections to strictly legal

issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982). Similarly, *de novo* review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” *Id.* Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Camby*, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case.

## **II. Discussion**

After a careful review of the magistrate judge’s recommendation on the parties’ Motions and an independent and thorough review of the Plaintiff’s objections to the magistrate judge’s recommendation, the Court concludes that the recommendation to deny Plaintiff’s Motion for Summary Judgment, to grant Defendant’s Motion for Summary Judgment, and to affirm the Commissioner’s determination is correct and in accordance with the law. Accordingly, the findings and conclusions of the magistrate are accepted, and Plaintiff’s Motion for Summary Judgment is DENIED, Defendant’s Motion for Summary Judgment is GRANTED, and the Commissioner’s determination is AFFIRMED.

## **III. ORDER**

**IT IS, THEREFORE, ORDERED** that the memorandum and recommendation of the

magistrate (Doc. No. 12) is hereby AFFIRMED.

SO ORDERED.

Signed: February 1, 2013

  
Graham C. Mullen  
United States District Judge

